

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

ERIC L. ELLIS,	)	
	)	
Plaintiff,	)	
vs.	)	No. 3:23-CV-1508-N-BH
	)	
CITY OF GRAND PRAIRIE et al.,	)	
	)	
Defendants.	)	Referred to U.S. Magistrate Judge <sup>1</sup>

**RECOMMENDATION REGARDING REQUEST TO PROCEED  
IN FORMA PAUPERIS ON APPEAL**

Before the Court is the plaintiff's *Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis*, received on October 16, 2023 (doc. 12), which is liberally construed as a request for leave to proceed *in forma pauperis* on appeal.

- (X) The request for leave to proceed *in forma pauperis* on appeal should be DENIED because the Court should certify under Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith, and that it presents no legal points of arguable merit and is therefore frivolous for the reasons set forth in the findings, conclusions, and recommendation filed in this case on August 2, 2023 (doc. 8). The request also should be denied because the plaintiff has not established that he is a pauper. According to the plaintiff's *in forma pauperis* affidavit, he has received an average monthly amount of \$30,000 from employment and \$10,000 from unemployment payments during the past twelve months, and has monthly expenses of \$2,900. These amounts reflect sufficient funds to pay the applicable filing fees on appeal.

**If the Court denies the request to proceed *in forma pauperis* on appeal, the plaintiff may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).**

---

<sup>1</sup> By *Amended Miscellaneous Order No. 6* (adopted by *Special order No. 2-59* on May 5, 2005), requests to proceed *in forma pauperis* on appeal are automatically referred.

**SIGNED this 23rd day of October, 2023.**

  
IRMA CARRILLO RAMIREZ  
UNITED STATES MAGISTRATE JUDGE